

# SHEEHAN PHINNEY

## Michael J. Lambert

Shareholder | Boston, MA

Michael serves as the firm's President and Managing Director. He prides himself in providing practical and timely advice to his clients and using his over 20 years of experience to find creative solutions to their often complex problems. Michael's practice includes providing legal counsel and advocacy for businesses and individuals and includes the areas of: employment law; entity formation and governance; disputes between co-owners of businesses; insurance coverage and defense; and contract negotiation, drafting and enforcement.

Michael appears regularly in state and federal courts in Massachusetts and New Hampshire and has resolved hundreds of complex cases through trial, arbitration and mediation. Michael has tried and resolved cases involving issues of corporate governance, partnership disputes, trade secrets and restrictive covenants, closely held business disputes, corporate mergers and dissolution, successor liability, construction disputes, land use issues, tax abatement, intellectual property disputes, insurance coverage disputes, and a wide variety of contract disputes.

Michael represents a diverse client base that includes professionals and institutions, closely-held businesses, Fortune 500 companies, insurance companies, real estate developers, medical device manufacturers, health care providers, security companies, distributors and other business organizations and individuals.

Michael's clients speak highly of his responsiveness, judgment and advocacy skills. One client notes that Michael has "a natural aptitude toward resolving disputes while at the same time, being totally an advocate for his client. This strength is apparent in his character and serves him well, both in the boardroom or the courtroom." Another client reported that Michael "was excellent from start to finish. He was very thorough, knowledgeable and prepared. I would absolutely use him again and have already communicated to others in my office to utilize him."

## Key Cases

- Following a week-long jury trial, obtained damages and award of attorneys' fees for client in a dispute between executives in a consulting company.
- Successfully appealed dismissal of claims to the First Circuit, permitting client to pursue claims arising from a breach of a letter of intent to purchase intellectual property. *Butler v. Balolia*, 736, F. 3d 609 (1st cir. 2013)
- Obtained a defendant's verdict for his client in a personal injury action where a jury awarded a multi-million dollar judgment against the two co-defendants.
- Represented a lead institutional plaintiff in securities fraud actions against publicly traded companies.



### Contact Information

Phone: 617.897.5637

Fax: 617.439.9363

Email: [mlambert@sheehan.com](mailto:mlambert@sheehan.com)

# SHEEHAN PHINNEY

- Represented latex glove distributor in multi-district litigation.
- Successfully navigated start-up medical device manufacturer through shareholder dispute.
- Obtained a multi-million dollar judgment in a jury trial for a commercial client.
- Litigated a dispute on behalf of a purchaser of commercial equipment, resulting in a successful revocation of acceptance, return of the purchase price and payment of attorneys' fees.
- Prevailed in declaratory judgment action to obtain insurance coverage and attorneys' fees for a multi-million dollar loss for a commercial client.

## Practice Areas

- Business Litigation
- Labor & Employment
- Cannabis

## Admissions

- State of New Hampshire
- Commonwealth of Massachusetts
- New Hampshire Trial Lawyers Association
- New Hampshire Bar Association
- Manchester Bar Association, Executive Committee
- Massachusetts Bar Association

## Education

- J.D., New England Law | Boston, *cum laude*
- B.A., College of the Holy Cross

## Civic Involvement

- Advocacy Lawyer, Harvard Law School Trial Advocacy Program
- Ethics Committee of The Boston Home, a long-term health care facility for physically disabled adults

# SHEEHAN PHINNEY

- Board of Directors, Concord, MA Chamber of Commerce
- Rotary Club of Concord, MA
- Board of Directors, Concord Carlisle Youth Lacrosse

## Awards

- Best Lawyers in America®, Insurance Law
- *Boston Magazine* 2021 Top Lawyer, Civil Litigation/Defense
- *Boston Magazine* 2022 Top Lawyer, Civil Law Litigation
- 1990 USA Rugby Collegiate All-American

## Publications

- \$18M Chapter 93A award vacated in noncompete case (Quoted)
- Mentoring in Business Litigation Cases (pg 34)
- EEOC proposes new guidance on harassment in the workplace
- Tips for litigating civil matters against self-represented parties
- Don't Forget About Cybersecurity with Increased Telecommuting and the Holiday Season
- Will Your Commercial General Liability Insurance Policy Cover COVID-19 Claims?
- Beware of the Courts Bearing Gifts: Is the Supreme Judicial Court's Order Tolling Statutory Deadlines Constitutional?
- Do You Know Where Your Sublicenses Are? First Circuit Validates Implied Copyright Sublicense
- Delaware Giveth...But will other States Take it Away: Using Federal Forum Provisions for Shareholder Claims
- What Constitutes "Essential Services" and Does My Business and Workforce Qualify?
- Don't Be Discouraged by "Your Insurance Does Not Cover This"
- Government's Ability to Sway Insurance Coverage for COVID-19 Losses is Limited
- Insurance Coverage Issues Abound
- Automile Holdings, LLC v. McGovern
- Blood from a Stone? Making Sure Your Judgment Is Worth More Than the Paper It Is Printed On
- The Chosen One: Can Massachusetts Insurance Companies Seek Equitable Contribution When Insured Fails to Provide Notice of Claim

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- The Best Intentions – When Letters of Intent can be Considered Enforceable Contracts
- The Massachusetts SJC Addresses the Attorney-Client Privilege in Closely Held Corporate Disputes